

ARMS CONTROL AND DISARMAMENT AGENCY AUTHORIZATION—CONFERENCE REPORT

Mr. BAKER. Mr. President, the leadership on this side would like to proceed to the consideration of the conference report on H.R. 2906, the Arms Control and Disarmament Agency authorization.

Mr. BYRD. Mr. President, it will take a moment.

Mr. BAKER. Mr. President, once more, may I inquire of the minority leader if he is prepared to clear the consideration of this conference report?

Mr. BYRD. Yes, Mr. President.

Mr. BAKER. Mr. President, I submit a report of the committee of conference on H.R. 2906 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2906) to amend the Arms Control and Disarmament Act is order to extend the authorization of appropriations, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 17, 1983.)

Mr. MATHIAS. Mr. President, the Senate bill had a total of four amendments not contained in the original House bill and the House bill had one amendment not incorporated in the Senate bill. With respect to the Senate amendments, the House receded on all four amendments. The Senate receded on the one amendment offered by the House of Representatives.

The three of the four Senate amendments are designed to improve the effectiveness of the Agency in its key role in the arms control process. The first amendment creates a visiting scholars program. The intent is to bring into the Agency specialists in the physical sciences and other fields that are relevant to the conduct of arms control research and negotiations. The second amendment authorizes ACDA to hire up to eight specialists in arms control, military and strategic affairs, who also have a demonstrated fluency in the Russian language. I believe that this combination of skills can enhance the effectiveness of U.S. negotiations. The third amendment elevates our Intermediate-range Nuclear Force (INF) negotiator, Paul Nitze. This measure gives him equal status and the same title as our START negotiator. We are entering the critical period of initial INF missile deployments. It is in our interest to demonstrate to the Soviets and to our allies that we are determined to

reach an arms control accord in INF. This amendment serves this objective.

The fourth amendment asks the President to submit a report on Soviet compliance or noncompliance with existing arms control agreements to which the Soviets are a party.

The conference reached a compromise on the House amendment. The compromise would enhance the role of the Director of ACDA in national security decisionmaking. Under this provision the ACDA Director would be invited to participate in the NSC on all national security issues with an arms control implication. ACDA is the only Agency in Government charged exclusively with arms control. The NSC would benefit from this special perspective. Therefore, the Senate conferees receded to the House on this amendment.

Mr. President, the Senate conferees recommend the adoption of the conference report. The amendments agreed to meet the concerns of the Senate in advancing the cause of arms control.

Mr. PELL. Mr. President, I think the agreements arrived at in this conference report represent a fair compromise. I endorse the overall approach taken in the ACDA bill—increasing the visibility of ACDA increases through modest in personnel and by upgrading the status of the INF negotiator. I recommend its passage.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BAKER. I move to reconsider the vote.

Mr. MATHIAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, appoints the following Senators to the Special Committee on Security and Cooperation with Europe:

The Senator from Kansas (Mr. Dole); Chairman; the Senator from Utah (Mr. Hatch); the Senator from Pennsylvania (Mr. Harkin); and the Senator from New York (Mr. D'Amato).

Mr. DOLE. Mr. President, the Chair, on behalf of the President pro tempore, has appointed at least a Republican member to the Special Committee on Security and Cooperation With Europe. That will be effective on January 1, 1984, as I understand the resolution passed earlier in the conference. I am not certain why the other side does not wish to name members to the Commission at this time, but I hope that that might be done if it can be done in the interim, so we can be prepared to begin our work on January 1, 1984. The distinguished Senator from Rhode Island (Mr. Pell) is a member of the present Commission, as is the

Senator from Vermont (Mr. Leahy). There will be one other vacancy on the Democratic side. Could I have a comment from the Senator from Rhode Island?

Mr. PELL. I appreciate the thought of the Senator from Kansas very much. I am not sure what the wishes are of the minority leader in this regard. I would like to leave this in abeyance, if we could, for a few days.

Mr. DOLE. I thank the Senator.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

FEDERAL COMMUNICATIONS COMMISSION AUTHORIZATION, 1984-85

Mr. BAKER. Mr. President, next I believe there is at the desk a bill from the House on FCC authorization, H.R. 2755, is there not?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, may I say to the minority leader I am prepared to call up that measure, if he is prepared to do so.

Mr. President, I ask the Chair lay before the Senate a bill from the House, H.R. 2755.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2755) to authorize provisions for the Federal Communications Commission for the fiscal years 1984-1985, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GOLDWATER. Mr. President, I support this amendment to the Communications Act of 1934 in regards to volunteers administering examinations to amateur radio applicants. The purpose of this provision is to permit the volunteers to be reimbursed by the applicants for their out-of-pocket expenses.

The issue of reimbursement of the volunteers' costs has arisen as a result of the Federal Communications Commission's implementation of section 104 of Public Law 97-259. This section, among other things, permits the Commission to use the uncompensated services of volunteers to prepare and administer amateur radio examinations.

The section permits transfer of the amateur radio examination process, in whole or in part, to the amateurs themselves. This results in three specific benefits. First, there is a significant savings to the Federal Government in both costs and manpower. Second, it solves the problem of increasing unavailability of amateur examinations in many areas of the country due to Commission budgetary constraints. And third, it allows for increasing the examination question

data base at the least cost to the Federal Government and thereby lessen the opportunity for applicants to pass the examination merely by memorizing the questions and answers instead of acquiring knowledge of the subject.

The Commission regulations to implement this authority insofar as the introductory novice tests are concerned took effect on September 1, 1983, as set out at volume 48 of the Federal Register, pages 32586-32588. In brief, the Commission has published 250 approved questions for this examination. A volunteer amateur selects 20 questions in accordance with Commission instructions and has the applicant answer them. If the applicant answers at least 15 of the 20 questions correctly, and also demonstrates the ability to send and receive Morse code at a rate of 5 words-per-minute, the volunteer certifies these facts to the Commission and a license is issued.

The new regulations applicable to the introductory novice examinations considerably speed up the process and eliminate some of the tasks which previously burdened the Commission and caused delays in the issuance of licenses. The provision I am supporting today is not intended to have any effect upon the present novice program, which is structured in a manner which does not require volunteers to incur significant expense. I do not expect the Commission to authorize collection of any charges whatsoever related to the present novice program. It is a good program, it has been very successful, and there is absolutely no need to charge anyone anything in return for the novice examination.

The regulations applicable to examinations for the higher class amateur radio licenses, however, are significantly different, and this legislation is addressed solely to the process of administering examinations for these higher class licenses.

The Commission has implemented the authority to accept voluntary uncompensated services from amateurs in such a way that volunteers will inevitably incur significant expense. Unlike the regulatory scheme which the FCC applied to the novice examination procedure, that recently announced (vol. 48 Federal Register pp. 45652-45661) to govern examinations for the higher class licenses requires two levels of volunteers. The first level, so-called volunteer examination coordinators (VEC's) would deal directly with the Commission and be responsible for coordinating the examinations within their assigned area. The continental United States is divided into 10 large areas, and each VEC is required to oversee the exams within his entire area.

The examination questions would be selected in advance by the FCC from publicly available lists. The VEC would have to print the exam and distribute them to the local volunteers. The examination would consist solely of questions periodically selected by

the FCC and communicated to the coordinator. After the examination is administered, the results would be forwarded to the coordinator for checking, then the papers sent to the FCC for issuance of the appropriate license.

The volunteers on the local level would be responsible for actually administering the examinations and sending the completed papers to the coordinator.

Obviously examinations should be honestly conducted under proper conditions, but quite frankly I am not convinced that this detailed Federal regulation is necessary to administer a simple amateur radio examination. Therefore I have suggested some simplifications to FCC Chairman Fowler which would lessen the ultimate cost of the examination process and at the same time safeguard the system against cheating through unauthorized disclosure of the exact exam questions chosen by the FCC for a particular period.

One purpose of Public Law 97-259 was to put an end to the type of situation where an applicant goes into the examination knowing which questions will be asked. The FCC implementation of the legislation includes some of the problems of the present system, and the present system has unfortunately become quite "leaky." I have made some specific suggestions to the FCC Chairman about how this problem can be rectified, and the suggestions would at the same time lessen the costs to the volunteers.

I have been assured that the Commission will continue to administer examinations until a viable volunteer system is up and running in each area. I think my suggestions to the FCC Chairman, if accepted, will facilitate this process.

The organizing of volunteers to give examinations may entail significant costs to the volunteer organizations and individuals. This is especially true if the present rules which require a coordinator to print and distribute examinations to individual examinees throughout a wide geographic area remain in effect. One area, for example, extends from Virginia south to Florida and west to Tennessee and Kentucky. With only 10 areas in the continental United States and a requirement that each coordinator be responsible for the entire area, significant costs to the coordinator appear inevitable.

The provision I am supporting today is for the purpose of allowing the amateur volunteers to recover their out-of-pocket costs. The provision would authorize the recoupment of only these costs, and there would be an upper limit to such recoverable costs of \$4 per examinee—adjustable for inflation. I want to emphasize that this \$4 figure is an upper limit. The volunteers could not be authorized to recover more than their actual expenses, and would be required to certify to the Commission that all costs for which

reimbursement was obtained were necessarily and prudently incurred.

The provision purposefully leaves actual implementation details to the Commission or to the volunteers themselves. For example, whether the volunteer coordinators, the volunteer administrators—VEC's and VE's in FCC parlance—or both will be allowed to recover costs is left to administrative discretion in order to insure the flexibility necessary to meet both present and future situations.

Ten years ago, when the FCC was charging fees for amateur examinations, each of us paid \$4 and most felt that amount to be within the zone of reasonableness even back then. The FCC today estimates the cost of administering each examination to be over \$7. Therefore this \$4 limit—which to an amateur represents the cost of admission to one ham swap-*fest*—appears to be reasonable. The savings made by utilizing amateur volunteers to prepare and administer the examinations would be passed along to the applicant.

Passage of this provision will help insure that the volunteer process is a success, and not hampered by persons and organizations being deterred from helping out by a fear of incurring unrecoverable out-of-pocket costs.

Mr. President, I ask unanimous consent that my letter to Mark Fowler, and his response, be printed in the Record at this point.

There being no objection the letters were ordered to be printed in the Record, as follows:

NOVEMBER 3, 1983.

HON. MARK FOWLER,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR MARK: The Commission recently promulgated regulations in FR Docket 83-27 to govern acceptance of the volunteer services of radio amateurs for the preparation and administration of certain amateur examinations. Many radio amateurs have expressed concern that the volunteers will inevitably incur significant unreimbursable costs under these regulations. Understandably such costs will deter many of the amateurs from volunteering to participate in the volunteer examination program.

By contrast, the regulations recently promulgated in FR Docket 82-727 to govern acceptance of similar services for novice class examinations do not result in such costs, and that program is quite successful.

Under both systems a Commission-approved bank of questions is released to the public. The significant difference is that for novice examinations the volunteers can prepare exams from the Commission-approved questions, whereas for the higher class examinations only the Commission itself can choose the exact questions from the public list. The regulations applicable to the higher class examinations thus require volunteer "coordinators" both to print the examinations and to distribute them, throughout large geographic areas. Additionally, other volunteers are needed to actually administer the examinations.

It seems to me that the printing and distribution of the higher class examinations, and the associated costs, can be shifted to the private marketplace with beneficial results. In fact, this is exactly what is begin-

ning to occur with novice examinations. Already two publishers have announced competing novice examination packages. The applicant can purchase a sealed package containing an examination in Commission-approved format, an answer sheet, and an FCC application form. The volunteer examiner merely unseals the package, hands the exam to the applicant, and grades the exam after its completion. The cost of the examination is determined in the competitive publishing marketplace with no governmental interference.

The Commission might provide some basic guidelines to govern commercial preparation of examinations. For example, each publisher could be required to distribute a minimum number of different question combinations in order for completion of that publisher's examinations to be accepted for licensing purposes. The creation of a wide variety of sealed examinations based upon FCC-approved questions and answers would also reduce the possibility of compromising the integrity of the volunteer examinations.

I think a minor amendment to the rules along these lines would increase participation in the volunteer examinations system and ultimately would result in a more successful program.

BARRY GOLDWATER.

FEDERAL COMMUNICATIONS
COMMISSION,

Washington, D.C., November 16, 1983.

HON. BARRY GOLDWATER,
Chairman, Subcommittee on Communications,
Committee on Commerce, Science,
and Transportation, U.S. Senate, Russell
Senate Office Building, Washington,
D.C.

DEAR SENATOR GOLDWATER: This is in response to your letter of November 3, 1983, regarding recently promulgated regulations in PR Docket No. 83-27. That proceeding implements Public Law No. 97-259 which authorized the FCC to initiate a volunteer examination program above the Novice Class in the Amateur Radio Service. In your letter you recommend that we consider alternatives that would shift printing and distribution costs to the private sector in order to minimize out-of-pocket expenses to volunteer examiners and coordinators. We also note that on November 3, 1983, you introduced legislation (S. 2045) that would expressly allow volunteers to recover such expenses.

The Commission indicated in its Report and Order in PR Docket No. 83-27 that the Miscellaneous Receipts Act, read in conjunction with other statutes, may preclude the imposition of any fee upon amateur operator examinees by volunteer examiners or coordinators. Moreover, Public Law 97-259 authorizes the Commission to delegate its licensing functions to volunteers only on an uncompensated basis. As a consequence, we believe the legislation you proposed on November 3, 1983 is a necessary prerequisite to the imposition of any examination fee, including any requirement that applicants purchase a published examination package.

Aside from the foregoing legal considerations, we believe the legislation you propose may also be the most effective means of insuring that volunteers do not incur inordinate out-of-pocket expenses. Volunteer Examiner Coordinators (VEC's) and examiners will incur many substantial costs in addition to printing and distribution of examinations. These costs will include costs of telephone calls and written correspondence between the VEC and the FCC and between the VEC and examiners, and overhead for offices, coordination, administration, travel, and procurement of rooms or halls for ex-

amination sessions. Removal of printing and distribution burdens will not offset these out-of-pocket costs, and provision of some method for reimbursement for them is also desirable. Accordingly, it appears that S. 2045 would be necessary to allow for the reimbursement of these other prudently incurred out-of-pocket expenditures.

The Commission fully supports S. 2045. If this legislation could be placed on a "fast track" by attaching it to the agency's appropriation bill, it would greatly facilitate implementation of the Volunteer Examination Program.

I hope this response has been helpful. Your letter will be associated with PR Docket No. 83-27 and will be placed in the public file. Your interest in this docket, and in the future and direction of amateur radio, is appreciated.

Sincerely,

MARK S. FOWLER,
Chairman.

Mr. PACKWOOD. Mr. President, I support passage of H.R. 2755 the Federal Communications Commission Authorization Act of 1983. I applaud the hard work and cooperation of all of the Senators involved with this amendment. They will be speaking to their particular provisions; I only wish to address two points.

First, I support the increases in the public broadcasting appropriations authorization levels for fiscal years 1984, 1985, and 1986. These modest increases are intended to help the public broadcasters keep pace with the cost of living.

Second, there have been some questions raised about the public safety provision.

The importance of public safety agencies to our health and welfare cannot be understated. To accomplish their critical role, public safety agencies rely on mobile communications, and this requires adequate frequency spectrum. The public safety amendment, authorizes the FCC, in making spectrum allocations, to assure that the current and future needs of public safety authorities are met in light of suitable and commercially available equipment. This provision recognizes public safety's need for economical and reliable radio communications.

But by implementing new technologies public safety agencies can continue to improve their service to the public and the efficiency of their spectrum use. It would be unfortunate and unintended if the bill were understood to freeze this progress or to exempt public safety from the responsibility shared by all spectrum users—national, regional and local, public and private—to improve spectrum use efficiency.

Our continued emphasis on new communications services, also reflected in the House report on their bill, requires careful Commission consideration of the full impact of any proposed reallocation of frequency spectrum.

The FCC's Private Radio Bureau recently announced that it will conduct a study of the current and future telecommunications requirements of public safety agencies. We endorse

this undertaking and, consistent with the House report on the bill, encourage the Bureau to consider the ability of developing technologies and advanced management and coordination techniques to meet public safety communications needs as alternatives to potentially disruptive spectrum reallocations.

This provision is not intended to and does not impair the Commission's full ability to conduct its study of public safety needs and to implement a plan that serves those needs, the public's interest in maximizing efficient use of existing spectrum, and the other communications needs that must rely on radio frequencies.

Furthermore, legislation does not limit the FCC's responsibility to manage allocations for all private land mobile and microwave radio services since these other private services not only contribute much to the efficient and safe operation of the Nation's industrial, commercial and transportation interests, but also, many of these other private users operate their radio and microwave systems to provide critical communications affecting the safety of life and property of large segments of the public.

Mr. PRESSLER. Mr. President, as a Member of the Senate Commerce Committee, I have been involved in a number of debates on the issue of deregulation. One of my first questions in these debates is, "How will this affect the small businessman, the family-run operation, the rural and small town enterprises?"

I am pleased today to support an amendment to H.R. 2755, Federal Communications Commission reauthorization bill which is a satisfactory compromise between the deregulatory philosophy of the FCC and the special needs and concerns of America's small businessmen. This amendment is supported by the Commission, the major organizations representing land mobile technicians and users, and hundreds of small businessmen.

Private land mobile radio communications is an essential part of many small businesses. Plumbers, electricians, repairmen, delivery services, public safety and health officials across the country rely on dependable private land mobile services. These businessmen and public servants are not themselves trained radio technicians. Instead, they rely on licensed, qualified service people to install and maintain their private land mobile transmitters.

The FCC currently requires a license of any service technician who installs and maintains transmitters for private land mobile services and fixed services. However, the FCC recently proposed an elimination of this licensing requirement (General Docket No. 83-322).

Several months ago I began to hear from dozens of South Dakota radio repair technicians who strongly ob-

jected to a total elimination of the licensing requirement. I understand that comments filed with the Commission overwhelmingly objected to this proposal. My office has received letters from land mobile technicians in 26 States, including Oklahoma, Ohio, Washington, Illinois, Texas, California, South Carolina, Massachusetts, Florida, Alaska, and New York. All of these businessmen objected to the FCC's proposal.

There are several arguments in favor of some licensing requirement. First of all, it is necessary to understand that private land mobile services use a limited amount of spectrum, often sharing allocations with other services. This sharing of spectrum can easily lead to undue interference and inferior communications. In order to minimize these problems, qualified technicians are needed to protect the technical performance of these systems from added interference. Plumbers and electricians may not know how to properly maintain their radio transmitters. Instead they rely on their local radio technicians who are licensed and qualified. It is clearly in the public interest to maintain some operating standards so that good communications networks are maintained.

On the other hand, in its proposal, the Commission argued that the administrative costs of the present technician licensing program are burdensome and unjustified. Last July I wrote to FCC Chairman Fowler about the Commission's proposal. I ask unanimous consent that my letter and Chairman Fowler's response be included in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION,
Washington, D.C., July 26, 1983.

HON. MARK S. FOWLER,
Chairman, Federal Communications Commission,
Washington, D.C.

DEAR CHAIRMAN FOWLER: I am deeply concerned about the Federal Communications Commission's proposal in Docket No. 83-322. A number of small businessmen engaged in the installation and maintenance of private land mobile equipment have contacted me, objecting to the proposed deletion of the requirement that only those licensed by the FCC can perform these functions. They are concerned that without this licensing requirement, unqualified personnel will perform this work. The result will be the likelihood of increased interference and lowered performance standards in the industry.

As you know, because of limited spectrum, all private land mobile channels are shared. Cooperation and coordination among co-channel and adjacent channel users are essential. Without proper installation and maintenance, effective communications will definitely be impaired.

This potential problem is particularly serious in the Business Radio Service where the user is typically a small businessman, unfamiliar with the technical operation of a radio system. He usually relies on some third party for assistance. Because only licensed operators can now work on this equipment, the small businessman has some

assurance that necessary maintenance will be properly performed. Adoption of the Commission's Notice as proposed, however, will leave this small user prey to unqualified repairmen. Without the licensing requirement, how will the average small businessman know that the technician he hires to install or maintain his equipment is knowledgeable? Unfortunately, by the time an improperly adjusted transmitter is located and the station licensee made aware that the technician is unqualified, it is too late. The interference to an unknowing third party may have already had a devastating outcome. Destructive interference to our business, public safety, emergency medical and aviation radio services is not something we can leave to chance, nor can we rely on the trial and error method of locating competent technical assistance.

The concept of an unregulated, competitive marketplace for our telecommunications industries has been a major goal of this Commission. However, this proposal change, as it relates to the private land mobile services, appears to be a misguided attempt to eliminate regulations which are useful and necessary to hundreds of small businesses. As the Commission recognized in the text of the Docket, "we realize that knowledgeable service and installation technicians are often relied upon by our licensees in the Private Land Mobile Radio Services. . . ." I urge the Commission to carefully consider this acknowledgement of the licensing requirement advantages in any decision on this docket.

The Commission may also wish to explore the possibility of some kind of industry self-certification process. There appears to be some interest in the private sector for such a program. I would be interested to know if any proposals like this have been given consideration.

I look forward to hearing from you on this matter and once again urge the Commission to carefully consider the negative impact if these requirements are abruptly eliminated.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

FEDERAL COMMUNICATIONS
COMMISSION,
Washington, D.C., August 12, 1983.

HON. LARRY PRESSLER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PRESSLER: This is in response to your recent letter concerning the Commission's proposal to deregulate radio operator license requirements (Docket 83-322).

Although the period for comments on this docket has passed, your comments will be associated with the record in this matter. The Commission will consider their merits in the interest of developing a full record in this proceeding. I expect the Commission will reach a final decision in this matter by late fall of this year.

A large land mobile association has proposed that the industry itself institute an operator screening process and develop satisfactory testing. If the Commission decides to eliminate the license requirement, this self-certification proposal will have our full consideration.

Please be assured that your expressed concerns in this matter will receive full consideration by the staff and the Commissioners before the Commission makes its final determination.

Sincerely,

MARK S. FOWLER,
Chairman.

Mr. PRESSLER. Chairman Fowler indicated that the Commission would consider some kind of industry self-certification as a way to maintain licensing standards while easing the Commission's regulatory duties.

After I received Chairman Fowler's letter, I urged all parties involved to work out some kind of industry-based licensing process. The National Association of Business and Educational Radio (NABER) proposed language which served as the basis for discussion. NABER is a national organization representing both licensed radio technicians and land mobile users. The FCC made several suggestions which have also been included in the final version of my amendment.

The amendment I am supporting today allows the FCC to permit recognized industry groups or committees to implement a comparable substitute to the present technician licensing system. Such an industry program would be conducted on a reasonable fee basis by private industry groups or committees recognized by the FCC as representative of the affected users and technicians.

I want to thank the Commerce Committee chairman for his assistance. I would also like to commend NABER, the staff of the FCC's Private Radio and Field Operations Bureau, and Dan Phythyon of the Commerce Committee staff for their work on this issue. This amendment is an excellent example of the private and public sectors working together. This amendment will reduce Government regulatory costs while, at the same time, insure a continuation of good communications systems needed by America's small businessmen. I urge the adoption of my provision. I also ask unanimous consent that the attached letters of support for this amendment be included in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

(Telegram)

MITCHELL, S. DAK.,
November 15, 1983.

Senator LARRY PRESSLER,
Washington, D.C.

We plead for your support amendment to Communications Act to allow FCC to recognize industry certification of technicians.

Charles J. Mauskychi

(Telegram)

RAPID CITY, S. DAK.,
November 15, 1983.

Senator LARRY PRESSLER,
Washington, D.C.

DEAR SENATOR PRESSLER: I strongly oppose the provision in FCC docket 83-322 that abolishes the requirement for a radio telephone operator's license to adjust a two way radio transmitter. I support your proposed amendment to the Communications Act that would authorize the FCC to maintain an industrial certification program for commercial radio operators. Thank you for your past and current efforts to protect two way

radio owners from unqualified and unlicensed service organizations.

Respectfully,

MICHAEL A. LEE.

NATIONAL ASSOCIATION OF BUSINESS
AND EDUCATIONAL RADIO,
Washington, D.C., November 16, 1983.

Hon. LARRY PRESSLER,
Washington, D.C.

DEAR SENATOR PRESSLER: I am pleased to have this opportunity to endorse the Proposed Amendment to the Communications Act of 1934, now before this Committee. The Amendment would add a new section 4(f)(4)(E), which would have the effect of granting the Federal Communications Commission the authority to permit industry groups or committees recognized by the FCC to be representative of the licensees and technicians to implement an industry certification process for technicians and operators of Private Land Mobile and Fixed Facilities. The FCC-sanctioned industry certification would serve as a comparable substitute for the technician licensing program in the Private Land Mobile and Fixed Services which the FCC currently administers.

The National Association of Business and Educational Radio, Inc. (NABER) is a national non-profit association comprised of Business Radio Service licensees and vendors of private land mobile radio products and services. Further, the Professional Mobile Radio Service Section ("PMRSS") of NABER was formed in 1976 to advocate the interests of land mobile radio service and sales professionals. Expediting the efficient and compatible use of the spectrum has been one of NABER's primary concerns as an organization. NABER has also been a recognized frequency coordinator in the Business Radio Service for over ten years. In this respect, NABER represents the interests and concerns of the single largest group of private land mobile radio users, as well as those involved in the daily servicing and maintenance of private land mobile facilities.

In my capacity as President of NABER, I have encountered a consistent opposition from the constituency of my association regarding the FCC's proposal to dispense with their present requirement that all individuals operating or maintaining licensed private land mobile facilities must be the recipient of a general radio telephone operators license. The private land mobile services are characterized by intensive sharing of limited spectrum, not only with other private land mobile users, but with licensees of other communication services, therefore proper transmitter maintenance is crucial to compatible use of the spectrum. The members of NABER's PMRSS Section are so concerned with the issue of transmitter servicing and maintenance being performed by qualified technicians, that the results of a survey conducted by NABER indicate that PMRSS members consider the present technician licensing scheme of the FCC not rigorous enough. PMRSS advocates a certification process which would more accurately test the skills required to perform the proper installation servicing and maintaining of licensed facilities.

Therefore, NABER strongly advocates implementation of an industry certification program which would serve as a valid substitute for the FCC's current technician licensing program. In this way, the public interest would be furthered by insuring that Private

Land Mobile and Fixed Service users would receive quality communications service.

Sincerely,

E. B. "JAY" KITCHER, JR.,
President.

WEST KENTUCKY
2-WAY RADIO, INC.,
Ky., November 15, 1983.

Central City, Ky., November 15, 1983.
Senator LARRY PRESSLER,
Washington, D.C.

DEAR SENATOR PRESSLER: I would like to voice my wholehearted support for your amendment to the communications act to set industry certification of radio operators in the communications industry.

Our company has 25 dedicated years servicing the communications needs of the business community. I feel that without your amendment those businesses that are now being serviced by quality technicians will have to rely on sub-standard system design and maintenance thereby affecting their efficiency and profitability.

Thank you for your consideration and support of our industry.

Sincerely,

DON TALKINGTON,
President.

COMMUNICATIONS ENGINEERING CO.,
Dallas, Tex., November 16, 1983.

Senator LARRY PRESSLER,
Washington, D.C.

DEAR SENATOR PRESSLER: While I am not a constituent, on behalf of my company and its employees, I would like to express our support of your proposed amendment to the Communications Act of 1934 which will provide industry certification of commercial radio operators by recognized private groups or committees.

Our company, Communications Engineering Company is one of the largest independent service organizations in the southwest. We currently operate sixteen branches throughout Texas, Oklahoma and Louisiana and employ in excess of 100 people, with a majority of these individuals holding an FCC license.

Thank you, Senator, for your support and understanding of the need to manage a limited resource, our radio spectrum.

Very truly yours,

DALE WALSH,
President.

RADIO SYSTEMS, INC.,
Seattle, Wash., November 15, 1983.

Hon. LARRY PRESSLER,
Washington, D.C.

DEAR SENATOR PRESSLER: Radio Systems, Inc. has been active in all phases of the land mobile radio business for 28 years and employs 8 or more technicians holding Commercial Radio Operators Licenses.

With the imminent FCC action to abolish these licenses we strongly support your proposal to include a mandatory, Industry Administered, Federal Commercial Radio Operators License to replace the present FCC issued license. A license is absolutely necessary to prevent chaos in the radio industry and only the industry itself has the continuing up-to-date knowledge, record keeping ability and financial incentive to develop and maintain a licensing standard which will protect all of the public users of radio.

Yours very truly,

JOHN C. BLACK,
President.

SIKES RADIO CO., INC.,
Charleston, S.C., November 16, 1983.

Senator LARRY PRESSLER,
Washington, D.C.

DEAR SENATOR PRESSLER: Having been in the two-way radio service business for the

past thirty-five years, we have seen many moves by the FCC, some of which we have felt to be for the good. The latest action concerning technician licensing seems to be by far the most foolhardy move, if you would, yet, this action allowing anyone who can turn a screwdriver whether qualified or not to work on transmitters.

I commend and support you in your move to amend the Federal Communications Act to pass on to the service industry the responsibility of certifying the qualifications of those who would be allowed to do the necessary work in transmitting equipment. The television service industry has a program of this sort which I understand is a commendable one.

Since the FCC is no longer interested in supporting us in this matter I feel that we must have some controls instituted, and this is surely by far better than having no controls at all.

Enclosed is a letter to my Senator, Fritz Hollings, urging his support of your actions in this matter.

Thank you very much for your support of our problem which, without your action, will be reflected upon the users of radios across this great nation of ours.

Very truly yours,

JOHN L. SIKES.

GENERAL ELECTRIC CO.,
Springfield, Va., November 17, 1983.
Hon. LARRY PRESSLER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PRESSLER: The Mobile Communications Business Division of General Electric Company (GE) has been advised of your intention to submit an amendment to the FCC Authorization Bill which would enable the Commission to continue its requirements for Licensed Operators in the Private Land Mobile Services. It is GE's understanding that the amendment would propose that the Commission make use of an acceptable outside body to administer the program.

GE is pleased to fully endorse your proposed action.

As a respondent to the Commission's General Docket 83-322, GE strongly pleaded against the abandonment of the licensed operator requirements and I have attached a copy of our comments which you may find useful in your further deliberations.

Although GE has often supported FCC deregulatory efforts, the proposal to eliminate the licensed operator regulation was viewed with a great measure of alarm because of possible calamitous affect on the land mobile environment. I should add that our concerns were shared, almost unanimously, by both suppliers to and users of the land mobile services.

Senator Pressler, GE appreciates your continuing interest on behalf of mobile radio users, and would be most pleased to provide you with any additional information that might be supportive of your effort to amend the Authorization Bill.

Respectfully submitted,

ROBERT M. JOHNSON, Manager,
Government Agency Liaison.

NATIONAL ASSOCIATION
OF BROADCASTERS,
Washington, D.C., November 17, 1983.
Senator LARRY PRESSLER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PRESSLER: I am writing to inform you that NAB has no objection to your proposed amendment to the FCC authorization bill which would give to the FCC the authority to endorse industry certi-

fication of individuals to perform transmitter installation, operation, maintenance and repair duties in the Private Land Mobile Services and Fixed Services.

NAB concurs with the basic rationale for the bill; that is, in the absence of FCC licensing in the Private Land Mobile servicing area, a uniform standard for qualifications of servicing personnel should be maintained by an industry certification process. In comments to Docket 20817, NAB expressed concern over the possible elimination of FCC licensing because of the potentially significant negative impact of installation, servicing, and maintenance of private radio transmitters by unqualified technicians. Therefore, NAB can look to this amendment as a reasonable substitute for FCC licensing of the technicians.

Sincerely,

EDWARD O. PRITTE.

MOTOROLA INC.,
November 17, 1983.

HON. LARRY PRESSLER,
U.S. Senator,
Washington, D.C.

DEAR SENATOR PRESSLER: Motorola supports your proposal to amend the Communications Act of 1934 to give the FCC the authority to endorse industry certification of technicians in the Private Land Mobile Services and Fixed Services.

We have hundreds of service facilities throughout the United States manned by technicians authorized by the Commission to install and maintain land mobile equipment. Their role is crucial in enabling mobile and fixed radio users to operate efficiently, with a minimum of interference, in spectrum which is frequently congested.

The FCC's proposal in General Docket No. 83-322 to delete the requirement that such technicians must hold a commercial radio operator's license threatened to expose the land mobile environment to substantially increased interference and degradation of service. Absent any certification that those working on land mobile equipment are qualified, private users may unwittingly turn to incompetent or unscrupulous people to service and maintain their equipment. The result will inevitably impact adversely on other adjacent and co-channel licensees. Efficient utilization of the spectrum will deteriorate.

Your proposal would be a promising solution to that alternative. While recognizing the desire of the FCC to reduce its regulatory burdens, it would provide a mechanism whereby industry itself would undertake the responsibility for assuring the quality of technical personnel. Further, it gives this effort needed stature by providing for Commission endorsement of industry certification.

We support this legislation and encourage its enactment. Motorola intends to be in the forefront of its implementation; we will work with other organizations to develop sound professional standards.

We hope that the Commission will seize the opportunity afforded by this Bill to cooperate with us in establishing a viable program. Your continued leadership would be invaluable.

We are deeply appreciative of what you have done; we hope this Bill becomes law in the very near future.

Very truly yours,

TRAVIS MARSHALL,
Vice President, Motorola, Inc.,
Director, Government Relations.

SPECIAL INDUSTRIAL RADIO
SERVICE ASSOCIATION, INC.,
Rosslyn, Va., November 18, 1983.
Re. S. 607/H.R. 2755—The Land Mobile Licensing Amendment

HON. LARRY PRESSLER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PRESSLER: The Special Industrial Radio Service Association, Inc. (SIRSA), appreciates this opportunity to submit its views in regard to the above referenced legislative proposal.

SIRSA is the FCC-recognized Frequency Advisory Committee and user group organization for the Commission's Special Industrial Radio Service (FCC Rules & Regulations, Section 90.73). In this capacity we perform various frequency management functions for those engaged in the following industrial activities: mining, agriculture, heavy/utility construction, fuel delivery to consumers, the delivery and placement of concrete or hot asphalt mix, specialized services to the petroleum and gas industries, and agricultural services. There are more than 58,000 Special Industrial two-way mobile radio systems in use today throughout the United States.

Recognition of the need to continue a radio technician certification program is most important, if not vital to support the effective utilization of land mobile radio spectrum. We therefore support the concept of providing the Federal Communications Commission with authority to endorse industry certification of individuals to perform transmitter installation, maintenance and repair duties in the Private Land Mobile and Fixed Services, if such certification programs are conducted by organizations or committees representative of the users in those services. These organizations or committees should not be composed of officers or employees of the Federal Government.

Should the Federal Communications Commission ultimately propose such an endorsement, SIRSA will want to participate in the regulatory decision making process whether it be by notice and comment or, some other procedure allowing for public participation.

We hope that these comments will be beneficial to your effort, and we appreciate your interest and concern for the private land mobile radio industry.

Sincerely,

MARK E. CROSSY,
President.

Mr. TRIBLE. Mr. President, I am pleased that the amendment proposed by my colleague in the House, Congressman BILLY, and myself to the Federal Communications Commission Authorization Act which legislatively prohibits the activities of dial-a-porn and similar services has been accepted. This amendment was cosponsored by my colleagues, Senators WARNER, DENTON, JEPSEN, HAWKINS, and NICKLES.

Dial-a-porn is a pornographic tape operated by High Society Life, a hardcore pornographic magazine in New York. This service receives as many as 500,000 calls a day, 20 percent of which are interstate calls. It nets an average of \$10,000 daily for the com-

pany—substantially more than its income from magazine sales. For the company, this service has become a multimillion dollar a year industry.

Because of the nationwide advertising of this number and its dissemination in the schools, minor children have been exposed to the offensive and damaging messages. This problem has become a national nuisance—one which this Congress must address. Our children are our most important national resource, and we must not shirk our duty to protect them from those who would exploit them and expose them to pornographic materials.

Recently the Supreme Court has acted to protect our children in two cases where substantial first amendment questions were raised by the defendants.

In *Federal Communications Commission v. Pacifica Foundation* (438 U.S. 726, 98 S.Ct. 3026, 57 L.Ed.2d 1073) (1978) the Supreme Court determined that certain "dirty words" were indecent and could be prohibited during certain hours from broadcast on radio without violating the first amendment. The Court, speaking through Justice Stevens, noted that radio broadcasting is "uniquely accessible to children" and that "the government's interest in the 'well-being of its youth' and in supporting 'parents' claim to authority in their own household' justified the regulation of otherwise protected expression." (438 U.S. at 749.) Justice Stevens concluded: "The ease with which children may obtain access to broadcast material . . . amply justifies special treatment for indecent broadcasting." (Id.)

Last year, in *New York v. Ferber* (— U.S.—, 102 S.Ct. 3348, —L.Ed.2d—) (1982) the Supreme Court determined that pornographic publications which exploit children, even when not legally obscene, can be prohibited. Justice White wrote for the Court that "we have sustained legislation aimed at protecting the physical and emotional well-being of youth even when the laws have operated in the sensitive area of constitutionally-protected rights." (102 S.Ct. at 3354.) The Court concluded: "The prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance." (Id. at 3355.)

The dial-a-porn situation is not identical to either of these cases. However, the basic principle in all three situations is identical: that government has an overriding responsibility to protect innocent children, and this responsibility extends to cases where first amendment issues are raised.

The Communications Act of 1934 currently focuses on protection for the innocent victim of the offensive telephone calls. Since the dial-a-porn number is relatively novel, there is some question as to whether the utterer of the speech which violates the act must be the originator of the call. In coordination with Congressman

BILEY and others, I have sought to work with the FCC and the Department of Justice to seek proper remedies. Congressman BILEY and I have determined that the only solution is to propose clarifying language to the act. The language that has been included in the FCC authorization was agreed to by Congressman BILEY and myself with the assistance of the Office of the General Counsel at the FCC and the members and staffs of the House Telecommunications Subcommittee and the House Judiciary Committee.

Specifically, the language would: raise the fine for obscene telephone messages from \$500 to \$50,000; clarify that the Communications Act does apply to the dial-a-service industry (regardless of who places the call); permit the FCC to assess a civil fine of up to \$50,000 per day if the violation is for commercial purposes; allow the FCC or the Department of Justice to seek a court injunction to prevent further violations of section 223 of the Communications Act; and require the FCC to act on all pending complaints within 90 days after enactment of this provision.

Finally, I wish to clarify two points relating to this amendment.

Representatives of the Bell Operating Companies have expressed concern about being prosecuted under this amendment. I have studied this matter carefully and I do not believe that this would be the case. This amendment requires that the dependant knowingly makes or allows to be made a communication which violates section 223 of the Communications Act. All common carriers are prohibited from listening to, or affecting the content of the telephone conversations; therefore the knowingly element will never be met by any common carrier which is obeying the law and the FCC regulations.

For the RECORD, I wish to make perfectly clear that it is not the intent of Congress that a common carrier be prosecuted under this amendment when it is otherwise abiding by the

law and FCC regulations and when the telephone calls which are found to violate section 223 are at the initiative of a party which has no financial or other relationship with the common carrier other than that of carrier-customer.

Also, I wish to clarify that the term "for commercial purposes" in this amendment does not require that the party alleged to be in violation of section 223 be receiving a direct profit from the calls; rather, calls which promote, advertise, or publicize a product, a service, or other commercial activity would meet this broad "for commercial purposes" test.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 2755) was ordered to a third reading, was read the third time, and passed.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, if the Senate will give me a moment, I would like to get my bearings and see what is left. For the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATE DEPARTMENT AUTHORIZATION—CONFERENCE REPORT

Mr. BAKER. Mr. President, I would say to the minority leader at this time I would like to go to another conference report. I refer to the State Department authorization conference report, which is H.R. 2915.

Mr. President, I ask the Chair lay before the Senate a conference report on H.R. 2915.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2915) to authorize appropriations for fiscal year 1984 and 1985 for the Department of State, the United States Information Agency, the Board for International Broadcasting, the Inter-American Foundation, the Asian Foundation, to establish the National Endowment for Democracy, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, November 18, 1983.)

Mr. MATHIAS. Mr. President, H.R. 2915 is a bill authorizing appropriations for fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, the Inter-American Foundation and the Asia Foundation.

For fiscal year 1984, the conference substitute authorizes appropriations totaling \$3,243,366,000 which is \$45 million less than the executive branch request.

For fiscal year 1985, the conference substitute authorizes appropriations totaling \$3,482,608,000 which is \$92 million less than the administration's request.

Mr. President, I ask unanimous consent that two tables setting forth the amounts authorized by the conference substitute be printed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

	Executive branch request	House authorization H.R. 2915	Senate authorization S. 1342	Conference substitute
1984				
Administration of foreign affairs (House and Senate secs. 102(1)):				
Salaries and expenses	1,148,586	1,128,291	1,148,586	1,133,586
Representation allowances	4,247	4,247	4,247	4,247
Foreign building operations (FBO)	202,889	202,889	202,889	202,889
FBO/foreign currency account	10,113	10,113	10,113	10,113
Emergencies in the diplomatic consular services	4,400	4,400	4,400	4,400
Foreign Service retirement	104,503	104,503	104,503	104,503
Buying power maintenance fund	4,500	4,500	4,500	4,500
American Institute in Taiwan	8,475	8,475	8,475	8,475
Extraordinary protection of consulates	6,000	6,000	6,000	6,000
Transfer from AID			1,500	1,500
Political and economic reporting			5,000	5,000
Mexican Embassy property		4,000	4,000	4,000
Total	1,479,713	1,498,418	1,480,213	1,480,213
International organizations and conferences (House and Senate secs. 102(2)):				
Contributions to international organizations	825,773	825,773	825,773	825,773
Contributions to international peacekeeping activities	66,948	66,948	66,948	66,948
Contributions to international conferences and contingencies	9,622	9,622	9,622	9,622
U.S./European Interparliamentary Group			50	50
North Atlantic Assembly			450	450
Total	892,343	892,343	892,343	892,343

mation about this event and allaying the fears of uncertainty and doubt that many people might otherwise have had.●

**FEDERAL COMMUNICATIONS
COMMISSION AUTHORIZATION
ACT OF 1983**

**SPEECH OF
HON. TED WEISS**

**OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 17, 1983**

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2755) to authorize appropriations for the Federal Communications Commission for fiscal years 1984 and 1985, and for other purposes.

● Mr. WEISS. Madam Chairman, the legislation before the House today to authorize appropriations for the Federal Communications Commission (FCC) provides a modest but essential increase in funding for the Corporation for Public Broadcasting. For this reason I intend to vote in favor of H.R. 2755.

However, I believe this is an appropriate time to comment on the FCC's inexcusable record of indifference toward those Americans who have been traditionally neglected by the broadcasting industry: minorities, children and low-income citizens.

The FCC, under the direction of its chairman, Mark Fowler, has repeatedly turned away from its regulatory obligations.

In his zeal to deregulate the broadcasting industry, Chairman Fowler has supported the elimination of FCC rules which protect the public interest standard in broadcasting and insure broadcaster service to the entire populace, including minorities and children.

The FCC itself has an appalling record of upholding equal employment opportunities principles within the Commission. Of the 35 FCC employees in senior executive service positions, only 1 individual is a member of a minority community. No more than one minority is employed in a professional capacity in any of the four Commissioners' offices.

Chairman Fowler has been hesitant to require cable television firms to comply with existing equal employment opportunity requirements, and he has urged the repeal of equal employment opportunity reporting requirements for broadcasters.

He has also, in a number of instances, demonstrated a total lack of support for the FCC's longstanding policy of promoting minority ownership of radio and television stations.

The broadcasting industry, perhaps more than any other industry regulated by the Federal Government, requires strong oversight. Radio and television's ability to reach mass audiences gives the medium great influence. Adequate public access and responsible programing can only benefit

all Americans while strengthening our democracy.

Unfortunately, the FCC, under the present administration, is replacing strong oversight with regressive policies that hurt those least able to gain access to the airwaves.●

**AMENDMENTS TO NATIONAL
FOUNDATION ON ARTS AND
HUMANITIES ACT**

HON. BENJAMIN A. GILMAN

**OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, November 18, 1983**

● Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 2751, which would finalize the transferral of the Institute of Museum Services from the Department of Education to the National Foundation on the Arts and Humanities. Although the IMS has, in de facto been transferred through the appropriations process, the statutory authority has not been transferred as well. Without this necessary change, the Institute of Museum Services must yet continue to report to the Department of Education, and is not included as an advisory member to the foundation.

The bill before us also increases the authorization levels for fiscal year 1984, with additions of \$47.2 million for the National Endowment for the Arts, \$44.8 million allocated to the National Endowment for the Humanities, and \$3.9 million for the Institute of Museum Services. This brings us to authorization totals for fiscal year 1984 of \$166.5 million for the NEA, \$154.5 million for the NEH, and \$13.5 million for the IMS.

This continued Federal support of the arts and humanities is necessary, not only for the cultural contribution made to society by all those involved with these programs, but also in maintaining Federal involvement which stimulates action by private-sector organizations. As a member of the Congressional Arts Caucus, I am pleased to endorse H.R. 2751, and urge my colleagues to vote for its adoption.●

**FEDERAL COMMUNICATIONS
COMMISSION AUTHORIZATION
ACT OF 1983**

**SPEECH OF
HON. ROBERT W. KASTENMEIER**

**OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Friday, November 18, 1983**

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2755) to authorize appropriations for the Federal Communications Commission for fiscal years 1984 and 1985, and for other purposes.

● Mr. KASTENMEIER. Madam Chairman, the bill in its present form pending before this body follows directly on the lead taken by the gentle-

man from Virginia (Mr. BILEY). As a result of an amendment offered by the gentleman, the Energy and Commerce Committee adopted an amendment which proscribed certain types of obscene telephone communications. The apparent purpose of the amendment was to curtail the spiraling growth in the "Dial-a-Porn" phone call services.

It is sad to say that in recent years we have seen the development of a new growth industry—the publication and dissemination of pornography. One aspect of this business has been the establishment of prerecorded phone messages of an obscene nature which may be accessed by anyone—including minor children. This practice is at its most offensive when such phone numbers are freely available to elementary school age children. Thus, I know we all share the concerns of the gentleman from Virginia about the need to protect our children from this type of obscene communication.

The bill, as amended, is carefully crafted to reach the type of conduct which was so offensive to the members of the Energy and Commerce Committee. The bill now sets forth a criminal offense for persons who operate these dial-a-porn services. It draws on the suggestions made by the Biley amendment, but makes certain improvements and modifications.¹ First, the bill in its present form increases the fine level for persons who violate the provisions of existing section 223 of title 47 (relating to the affirmative making of obscene phone calls) to \$50,000. Second, persons found guilty of the offense are subject to two types of criminal penalties. A person who knowingly makes obscene communications will be subject to a maximum fine of \$50,000 and imprisonment of up to 6 months. In the event that the defendant intentionally violated the law, the maximum fine is increased to \$50,000 per day of violation. Third, the bill now requires the Federal Communications Commission to establish standards to regulate the time, place, and manner in which certain types of telephone communication can be proscribed.² Finally, the bill constrains

¹ The bill, as amended, requires that the prosecution establish beyond a reasonable doubt that the defendant acted "knowingly." This state of mind requirement is derived from the proposed Federal Criminal Code and the Model Penal Code. See H.R. 9915 (96th Cong.); House Report 96-1396 at 32-34. Similarly, the term "intentionally," as used in the amendment, is intended to be interpreted in the same fashion.

² The bill, as amended, establishes a defense to prosecution if the defendant restricted access to persons 18 years of age and older, pursuant to regulations promulgated by the Federal Communications Commission. The term "defense" is intended to have the same meaning as applicable in the proposed Federal criminal code. *Ibid.* at 77-78. In promulgating these regulations, the Federal Communications Commission should respect the constitutional right to privacy enunciated by the Supreme Court in *Stanley v. Georgia*, 394 U.S. 557 (1969), including the right to receive information. Congress intends that the FCC promulgate reasonable time, place, and manner restrictions calculated to restrict access to prohibited communications by persons under 18 years of age.

the reach of the criminal offense to constitutional limits.

I urge my colleagues to support this bill to restrict access to obscene telephone messages by children.◊

EULOGY TO DR. CHIEN SHIH-LIANG

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 1983

◊ Mr. SCHEUER. Mr. Speaker, all of us who know Fr. Fredrick F. Chien, representative of the Coordination Council of North American Affairs for the Republic of China, were deeply saddened to learn of the recent death of his father.

After reading the eulogy of Dr. Chien Shih-liang in this month's issue of the Free China Review, it is easy to understand why Dr. Fredrick Chien is such a marvelously attractive and talented individual who is held in such high respect and esteem by the entire Washington diplomatic community.

I commend this moving tribute to my colleague's attention.

IN PRAISE OF A FAMOUS MAN

When Chien Shih-liang was graduated in 1931 from Peking's prestigious National Tsinghua University, he was regarded by his professors and fellow students as a "whiskid from Hangchow"—young and exceptionally bright. But he was not contented with this natural endowment or his accomplishments in organic chemistry. He quickly rejected fat offers from a number of organizations, opting to continue his studies. In the summer of his graduation, he sailed with a few schoolmates to the United States to enroll at the University of Illinois. Three years later, he returned to China with his doctorate. From that time forward, he dedicated himself as a scholar and has been considered by others as being a treasure of China.

He began teaching at National Peking University, at age 26 the youngest professor. Then, when Peking was besieged by the Chinese Communists, the ROC government sent a special plane to bring Dr. Chien and a few other outstanding scholars to Nanking, and finally to Taipei.

In January 1949, he was appointed to a professorship and named dean of education at National Taiwan University. He assisted Fu Sau-nien, then president of the university, to make the university a model Chinese institution of higher learning. The students abandoned the black tunics and the hip towels tucked under the belts of the militaristic Japanese student body. Above all, academic freedom was assured, although the whole country was engaged in bitter warfare with the Communists.

When Fu suddenly died of a cerebral hemorrhage in 1951, Dr. Chien was the natural choice to replace him. In his subsequent 19 years a university president, the longest such tenure in Chinese record, Dr. Chien made NTU not only the largest university in Taiwan, but also of the world's prestigious universities. In addition to institutionalizing the curricula of the five colleges—law, science, engineering, agriculture, and medicine, he built up a number of excellent libraries and laboratories with assistance from the United States.

Dr. Chien's efforts, prior to Taiwan economic success to obtain U.S. assistance to develop the university were so strenuous that one reporter wrote this doggerel for circulation on the NTU campus:

"He opens his mouth for money.

He closes his mouth for money.

Who is that man?

Money is his surname."

In Chinese, chien means money. But Dr. Chien always ignored creature comforts for himself. He never budged from his dilapidated Japanese-style quarters, which must have a history of at least half a century.

Under his stewardship, National Taiwan University became the top goal of Chinese scholastic aspirants. Each year, the 100,000 high school graduates who take part in the highly competitive joint entrance examination for colleges, without exception, make National Taiwan University their first choice.

In 1970, Dr. Chien moved up to the presidency of the country's top academic institution—the Academia Sinica. Although a natural scientist himself, Dr. Chien gave equal importance to the social sciences and to biological studies at the academy. In his 13-year tenure, he increased the Academia's institutes from 9 to 13, with another 2 still in the preparatory stage.

Before Dr. Chien's presidency, the Academia had a reputation as an ivory tower, housing world famous scholars. It was Dr. Chien who made them involve themselves in the activities of the country by assuming leading posts in other cultural and scientific organizations.

Every other year, he would go abroad to meet Chinese scholars and solicit their advice. This year—no exception—was his last. On May 1, he launched visits to Germany and the United States, returning to Taiwan on June 16.

Dr. Chien suffered from high blood pressure and diabetes, and even before the trip, he felt indisposed. He would not cancel the trip simply because his meetings with the scholars had been long arranged. "I will not inconvenience them," he told his subordinates.

After returning from the strenuous 46-day trip, the 76-year-old scholar went right from the airport, not to his home but to his office. A week later, he could not stand up under this workload and checked in at the National Taiwan University Hospital for a physical check and for treatment of diabetes and coronary thrombosis. He was placed under intensive care, but at times fell into a kind of trance. Once, pointing out diagnostic files placed on a bureau, he scolded a nurse for failing to allow him to "process the official papers," mistaking the hospital ward for his office.

Dr. Chien passed away on the evening of September 18, 1983. He is survived by three sons, all of whom have made their own marks in this country. Robert Chien Chun, the eldest, is deputy governor of the Central Bank of China. His second son, Dr. Chien Hsu, a professor of physiology and director of circulatory physiology and biophysics at Columbia University, is also a member of Academia Sinica. His youngest son, Dr. Frederick F. Chien, was vice foreign minister of the Republic of China before taking up his present post as head of the Coordination Council of North American Affairs, the Republic of China's office in Washington, D.C.

SOVIET FORCED LABOR

SPEECH OF

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 1983

◊ Mr. YATRON. Mr. Speaker, I rise in support of H.R. 100, and against forced labor in the Soviet Union. As chairman of the Subcommittee on Human Rights and International Organizations, I must emphasize the importance of this legislation which calls upon the Soviet Union to end its repressive forced labor system.

Soviet forced labor practices violate internationally recognized standards of human rights. The system not only imprisons the physical being, but also holds the mind captive by forbidding freedom of thought and expression. Compulsory labor can be used for economic purposes, or as a means of political coercion. Regardless of why the system is employed, the result is always the same—suffering and hardship for the worker. It is a method which jeopardizes the right of the individual and undermines the charter of the United Nations and the universal declaration of human rights.

Apart from undermining human rights, forced labor is strictly prohibited by Federal law. When Congress passed the Smoot-Hawley Tariff Act of 1930, it included a provision banning importation of products "mined, produced, or manufactured wholly or in part in any foreign country by convict labor." This measure has been used to bar certain imports from Cuba, Mexico, and the Soviet Union in the past.

There is considerable evidence that numerous items produced in the Soviet Union were made with forced labor. How can the United States, a country where a free and independent labor movement has thrived and struggled to preserve the dignity of the worker, accept products made by enslaved individuals in the Soviet Union?

Ignoring this Soviet labor system is incongruent with this country's reputation as a protector of human rights. Through this resolution, we are saying to the Soviet Union, and to all countries using compulsory labor, that these policies are morally reprehensible, and the United States will not tolerate them.

Mr. Speaker, last week the Subcommittee on Human Rights and International Organizations, together with the Helsinki Commission, held hearings on forced labor in the Soviet Union. Our findings substantiated our fears—millions of people are forced to work in prison camps in the Soviet Union. They have no rights or benefits. Instead they must succumb to the will of their government, a government that ignores human rights and international law in the treatment of its citizens.